

Service Date: February 20, 2014

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER OF the Application of        ) REGULATORY DIVISION  
NorthWestern Energy for Hydro Assets        )  
Purchase                                        ) DOCKET NO. D2013.12.85

**NOTICE OF COMMISSION ACTION**

On December 20, 2013, NorthWestern Corporation, doing business as NorthWestern Energy (NorthWestern), filed its *Application for Hydro Assets Purchase* (Application) with the Montana Public Service Commission (Commission), and the Commission granted intervention to Montana Consumer Counsel (MCC).

The Commission issued Data Requests PSC-001 through PSC-035 on December 27, 2013; PSC-036 through PSC-058 on January 2, 2014; and PSC-059 through PSC-066 on January 3. The MCC issued Data Requests MCC-001 through MCC-015 on January 3, 2014.

On January 24, 2014, NorthWestern objected to Data Requests PSC-003b, PSC-003c, PSC-003d, PSC-005a, PSC-015c, PSC-034, PSC-036b, PSC-041, PSC-055d, PSC-055e, PSC-066, MCC-003, MCC-005, and MCC-011.

The Commission issued Data Requests PSC-068 through PSC-083 on January 28, and PSC-084 through PSC-103 on January 30, 2014.

On January 30, 2014, NorthWestern filed a *Supplement to its Objection to Data Request MCC-011*. On February 3, 2014, the MCC filed its first *Response to Objections and Motion to Compel* – in which it withdrew Data Request MCC-011 – and NorthWestern filed *Objections* to Data Requests MCC-080 and MCC-091.

On February 5, 2014, NorthWestern filed a *Request for Oral Reply and Presentation*. On February 6, 2014, the MCC filed a *Response to Request for Oral Argument*, and the Commission granted NorthWestern's *Request for Oral Reply and Presentation*. See Notice of Commn. Action (NCA) pp. 5-6 (Feb. 10, 2014).

On February 7, NorthWestern filed *Objections to Data Requests PSC-068b, PSC-068d and PSC-075b*. On February 10, 2014, NorthWestern filed *Objections to Parts of Data Requests PSC-084, PSC-086, PSC-087, PSC-090, PSC-092, PSC-093, and PSC-100*, and the MCC addressed NorthWestern's *Objections to Data Requests MCC-080 and MCC-091* in its second *Response to Objections and Motion to Compel*.

On February 12, 2014, NorthWestern filed a *Brief Regarding Discovery Issues* and the MCC filed a *Brief in Response to NCA*. On February 13, 2014, the Commission heard oral arguments from NorthWestern and the MCC regarding certain objections.

At a regularly-scheduled work session on February 18, 2014, the Commission ruled on certain objections as discussed below. NorthWestern filed a *Reply to MCC's Response Regarding Objections to MCC-080 and MCC-091* on February 18, 2014

### **Coal Assets**

NorthWestern objected to Data Requests PSC-003b, PSC-003c, PSC-003d, PSC-005a, PSC-066, PSC-068b, PSC-068d, PSC-084c, PSC-084d, PSC-086e, PSC-087, PSC-090a, PSC-92a, PSC-092b, PSC-092d, PSC-093a, PSC-093c, and MCC-011 in part because they asked questions related to NorthWestern's consideration of the coal-fired assets owned by PPL Montana, LLC.

Although NorthWestern objected to Data Requests PSC-003b, PSC-003c, PSC-003d, it also provided responses. As a result, the Commission found the objections to those Data Requests moot. Because the MCC withdrew Data Request MCC-011, the Commission also found that objection moot.

The Commission sustained NorthWestern's objections to Data Requests PSC-005a, PSC-068b, PSC-068d, PSC-084c, PSC-084d, and PSC-086e, but overruled NorthWestern's objections to Data Requests PSC-066, PSC-087, PSC-090a, PSC-92a, PSC-092b, PSC-092d, PSC-093a, and PSC-093c.

### **New Analysis**

NorthWestern objected to Data Requests PSC-015c, PSC-034, PSC-041, PSC-055d, PSC-055e, PSC-075b, MCC-003a, MCC-003b, MCC-005, MCC-080, and MCC-091 in part

because they asked NorthWestern to perform new analysis that it did not provide with its Application. The Commission sustained NorthWestern's objections to those Data Requests.

**Other**

Although NorthWestern objected to Data Requests PSC-036b and PSC-100d, it also provided responses. As a result, the Commission found the objections to those Data Request moot.

NorthWestern objected to Data Requests PSC-100b and PSC-100c based in part on relevance. The Commission sustained NorthWestern's objection to Data Request PSC-100b, but overruled its objection to Data Request 100c.

Where the Commission overruled an objection, it requested that NorthWestern respond to the Data Request within ten days.

BY THE MONTANA PUBLIC SERVICE COMMISSION

W. A. (BILL) GALLAGHER, Chairman

BOB LAKE, Vice Chairman

KIRK BUSHMAN, Commissioner

TRAVIS KAVULLA, Commissioner

ROGER KOOPMAN, Commissioner